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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,563	09/12/2000	Gregory L. Slaughter	5181-64900	6903

58467 7590 08/25/2011

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EXAMINER	
CHANKONG, DOHM	
ART UNIT	**PAPER NUMBER**
2452	

NOTIFICATION DATE	DELIVERY MODE
08/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/660,563	SLAUGHTER ET AL.	
	Examiner	Art Unit	
	DOHM CHANKONG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-3,6-9,11-13,21-23 and 26-29* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-3, 6-9, 11-13, 21-23, and 26-29* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This final rejection is in response to Applicant's arguments filed on 6/13/2011. Applicant amends claim 21 and previously cancelled claims 4, 5, 14, 15, 24, and 25. Accordingly, Applicant presents claims 1-3, 6-13, 16-23, and 26-30 for further examination.

I. TERMINAL DISCLAIMER

The Office has received the terminal disclaimer filed on 6/13/2011 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6643650. The disclaimer is currently pending review so this action maintains the double patenting rejections set forth in the previous action. Once the disclaimer is approved, the examiner will drop the double patenting rejection.

II. RESPONSE TO ARGUMENTS

Applicant argues that *Humpleman* fails to disclose the limitation "receiving a lookup response indicating identifiers of discovered documents" because *Humpleman* merely discloses returning a single identifier. Applicant's argument has been carefully considered but is not persuasive for the following reasons.

Humpleman discloses that a user may search for services by categories; for example, when connected to a VCR, a user may request all services under a "Record" category [column 21 «lines 23-40» | Fig. 21 «items 116, 118»: where item 118 represent different services (OTR-one touch recording and TDR-time delay recording) provided by the VCR]. In other words, a user is searching for services that fall within a specific category. In response to this request, the

searchable interface returns the specific portion of the device's interface matching the requested category (i.e., Applicant's claimed lookup response) [column 20 «lines 57-64»].

This specific portion comprises links to different services such as OTR or TDR that fall within the "Record" category [column 21 «lines 10-22»]; each service is represented as an XML document (Applicant's claimed discovered document) [column 13 «lines 57-67»: referencing "OTR.XML" | column 21 «line 39»]. Thus, *Humpleman*'s returned device description represents the lookup response which comprises the identifiers of discovered documents of different services provided by the VCR (e.g., OTR.XML). For at least the foregoing reasons, Applicant's arguments are not persuasive. The rejection as set forth in the previous action are therefore maintained.

III. DOUBLE PATENTING

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

A. Claims 1, 11, and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4, and 10 of U.S. Patent No. 6643650 ["'650 patent"].

Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the claims are not novel.

Instant application 09/660563	'650 Patent
Claim 1. A method, comprising: a client, implemented by a computer on a network, sending a lookup message to a space, wherein the lookup message specifies desired characteristics of documents stored within the space;	**Claim 1**. A method, comprising: a client sending a lookup message to a network-addressable location of a space… … and wherein the lookup message specifies desired advertisement characteristics
the client receiving a lookup response indicating identifiers of discovered documents within the space that, in addition to being stored in the space, match the desired	**Claim 1.** …and the space sending a lookup response message to the client, wherein the lookup response message comprises the set of discovered advertisements.

characteristics; the client obtaining a service advertisement from the space, where the service advertisement is a document expressed in a markup language and listed in the discovered documents, wherein the space comprises a network-accessible repository which stores a plurality of service advertisements expressed in the markup language, wherein each of the plurality of service advertisements comprises a Uniform Resource Identifier (URI) and a markup language schema for a respective service, wherein the URI specifies a network address at which the respective service may be accessed, and wherein the markup language schema defines a message interface for accessing the respective service; and the client accessing the service according to the service advertisement, wherein said accessing the service comprises the client sending a first markup language message to the service at the URI specified in the service advertisement, wherein the first message is specified in the markup language schema.	**Claim 1**… finding a set of discovered advertisements, wherein the discovered advertisements comprise zero or more of the stored advertisements which meet the desired characteristics wherein the space is operable to store one or more advertisements expressed in a data representation language, wherein each advertisement comprises information which is usable by the client to access a particular content or service over a network… **Claim 2**. ...wherein each advertisement comprises a Uniform Resource Identifier (URI) at which the respective content or service is accessible… **Claim 4**. …wherein the advertisement for the service comprises a schema, wherein the schema specifies one or more messages usable to invoke one or more functions of the service **Claim 10**. …wherein the data representation language comprises extensible markup language (XML).

The primary difference between claim 1 of the instant application and claims 1, 2, and 4 of the '650 patent relate to the limitation of a client accessing the service comprising sending a first markup language message to the service at the URI found in the last limitation of claim 1 of the instant application. While claims of the '650 patent does not expressly disclose this feature, claim 1 recites that the advertisement comprises information which is usable by the client to access a particular service, claim 4 recites that the advertisement comprises a schema which specifies messages usable to invoke one or more functions of the service, and claim 10 recites a markup language.

These features in claims 1, 4, and 10 clearly suggest the limitation of accessing a service by sending a first markup language to the service at the URI specified in the service advertisement. Therefore claim 1 of the instant application is not patentably distinct from claims 1, 2, 4, and 10 of the '650 patent. Independent claims 11 and 21 of the instant application are rejected for at least the same reasons.

B. Claims 2, 3, 6-9, 12, 13, 16-19, 22, 23, and 26-29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of the '650 patent.

Instant application 09/660563	'650 Patent
Claim 2. the service sending a second markup language message to the client in response to the service receiving the first markup language message, wherein the second markup language message is specified in the markup language schema.	**Claim 1**. the space sending a lookup response message to the client, wherein the lookup response message comprises the set of discovered advertisements… **Claim 11**. wherein...the lookup response message are expressed in the data representation language
Claim 3. invoking one or more functions of the service in response to the first markup language message	**Claim 4**. the schema specifies one or more messages usable to invoke one or more functions of the service
Claim 6. the markup language comprises eXtensible Markup Language (XML).	**Claim 10**. the data representation language comprises eXtensible Markup Language (XML).
Claim 7. wherein the URI comprises an Internet address	**Claim 2**. each advertisement comprises a Uniform Resource Identifier (URI) at which the respective content or service is accessible
Claim 8. the service publishing the service advertisement in the space	**Claim 1.** the space is operable to store one or more advertisements
Claim 9. the client accessing a lookup service to find the service advertisement in the space	**Claim 5**. the lookup message comprises a desired name, wherein each of the discovered advertisements comprises a name that matches the desired name, and wherein each name identifies the respective discovered advertisement within space

As illustrated in the foregoing table, claims 2, 3, and 6-9 recite identical subject matter to claims 1, 2, 4, 10, and 11 from claims '650. Claims 2, 3, and 6-9 are therefore not patentably distinct from those claims. Claims 12, 13, 16-19, 22, 23, and 26-29 are rejected for at least the

same reasons set forth for claims 2, 3, and 6-9.

IV. CLAIM REJECTIONS - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

A. Claims 1-3, 6-13, 16-23, and 26-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Humpleman* et al., U.S. Patent No. 6.546.419 ["*Humpleman*"].

Claims 1, 11, and 21

As to claim 1, *Humpleman* discloses a method, comprising:

a client, implemented by a computer on a network [column 17 «lines 57-59»: *Humpleman*'s device A reads on the claimed client], sending a lookup message to a space [column 16 «lines 48-50» | column 17 «lines 64-67»: disclosing that device A submits a request for device B's interface from a searchable interface library. *Humpleman*'s interface library reads on the claimed space], wherein the lookup message specifies desired characteristics of documents stored within the space [column 23 «lines 49-51»: disclosing that a user may search for a service by name/address | column 23 «lines 57-59»: disclosing searching for services by media type];

the client receiving a lookup response indicating identifiers of discovered documents within the space that, in addition to being stored in the space, match the desired characteristics

[column 15 «lines 2-8» | column 23 «lines 32-34»: returning the web address or URL location of one or more devices];

the client, obtaining a service advertisement from a space [column 18 «lines 1-2»: returning a device interface | column 20 «line 65» to column 21 «line 8»: returning XML interfaces for specified function categories], where the service advertisement is expressed in a markup language [column 20 «line 65» to column 21 «line 8»: disclosing that the definition is expressed in XML], wherein the space comprises a network-accessible repository which stores a plurality of service advertisements expressed in the markup language [column 16 «lines 46-50» | column 20 «lines 31-34»: the interface library is a network-accessible repository which stores the XML interfaces for the devices and function categories], wherein each of the plurality of service advertisements comprises a Uniform Resource Identifier (URI) [column 15 «lines 6-8»: disclosing a URI for interfaces for controlling actions and responses] and a markup language schema for a respective service [column 18 «line 40» to column 19 «line 12»: providing one example of a schema for controlling a service], wherein the URI specifies a network address at which the respective service may be accessed [column 15 «lines 6-8»] and wherein the markup-language schema defines a message interface for accessing the respective service [column 18 «lines 3-16»]; and

the client accessing the service according to the service advertisement, wherein said accessing the service comprises the client sending a first markup-language message to the service at the URI specified in the service advertisement, wherein the first message is specified in the markup-language schema [column 15 «lines 6-8» | column 18 «lines 3-16»: disclosing that the interface specifies messages that may be sent to control device B]

Claims 11 and 21 are rejected for at least the same reasons set forth for claim 1.

Claims 2, 12, and 22

As to claim 2, *Humpleman* discloses the service sending a second markup language message to the client in response to the service receiving the first markup language message, wherein the second markup language message is specified in the markup language schema [column 18 «lines 17-28»: device B responds to function calls based on the XML interface of device B's interface].

Claims 12 and 22 are rejected for at least the same reasons set forth for claim 2.

Claims 3, 13, and 23

As to claim 3, *Humpleman* discloses invoking one or more functions of the service in response to the first markup language message [column 18 «lines 3-7»: disclosing device A submits commands to device B in response to receiving the device interface].

Claims 13 and 23 are rejected for at least the same reasons set forth for claim 3.

Claims 6, 16, and 26

As to claim 6, *Humpleman* discloses the markup language comprises XML [column 20 «line 65» to column 21 «line 8»: disclosing that the definition is expressed in XML].

Claims 16 and 26 are rejected for at least the same reasons set forth for claim 6.

Claims 7, 17, and 27

As to claim 7, *Humpleman* discloses the URI comprises an Internet address [column 23 «lines 32-34»].

Claims 17 and 27 are rejected for at least the same reasons set forth for claim 7.

Claims 8, 18, and 28

The term "publish" is interpreted consistent with Applicant's specification which describes one embodiment: "Published advertisements may represent "on-line" services ready for clients to use" [pg. 64, lines 18-19]. The limitation in claim 8 therefore is interpreted as referring to any advertisements in the space that is available for use by the client.

As to claim 8, *Humpleman* discloses the service publishing the service advertisement in the space [column 20 «lines 31-34»: the interface library stores the device advertisements and are accessible to clients].

Claims 18 and 28 are rejected for at least the same reasons set forth for claim 8.

Claims 9, 19, and 29

As to claim 9, *Humpleman* discloses the client accessing a lookup service to find the service advertisement in the space [column 16 «lines 48-50»: disclosing the interface library is searchable].

Claims 19 and 29 are rejected for at least the same reasons set forth for claim 9.

V. CLAIM REJECTIONS – 35 U.S.C. § 103(A)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

A. Claims 10, 20, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Humpleman* in view of *Zintel* et al., U.S. Patent No. 6.725.281 ["*Zintel*"].

As to claim 10, *Humpleman* as modified by *Zintel* discloses the client generating a message gate for accessing the service, wherein the message gate is generated according to the URI and the markup language schema in the service advertisement, and wherein said sending a first markup language message to the service comprises sending the message via the message gate [*Zintel*, column 21 «lines 24-28 and 48-61»: generating service objects using the schema from the description document where the service objects are used to invoke actions on the service. *Zintel*'s service objects read on the claimed message gate].

Humpleman does not expressly disclose generating a message gate for accessing the service. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by *Zintel*.

Both *Humpleman* and *Zintel* are directed to inventions for enabling devices to control other devices by retrieving and utilizing device interfaces [*Humpleman*, abstract & *Zintel*, abstract]. Like *Humpleman*, *Zintel* employ device interfaces comprising commands that provide a template for controlling devices or services [*Humpleman*, column 7 «lines 15-30» & *Zintel*, column 5 «lines 39-48»].

Unlike *Humpleman*, *Zintel* further discloses that the device interface allows a device to generate service objects where the service objects are used to invoke commands on the service. Thus, *Zintel*'s service objects read on the claimed message gate.

It would have been obvious to one of ordinary skill in the art to have modified *Humpleman*'s device interface to include *Zintel*'s service object. Such a modification is an example of applying a known technique (*Zintel*'s creation of a service object to communicate commands to a device) to a known system (*Humpleman*'s device control system) ready for improvement to yield predictable results (*Humpleman*'s system modified to include a service object to provide another method of communicating commands to a device). *See* MPEP § 2143.

VI. CONCLUSION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452